IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15355 of 2005

Between:

Bhagwan Sri Satya Sai Baba High School,(TM) Gorakshanapeta, Rajamundry, East Godavari District, Rep.by its Secretrary and Correspondent, Dr.S. Ramachandran, S/o. Krishna Murthy

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep.by its Principal Secretary to Government, School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of The School Education,
3. The Regional Joint Director, Of School Education, Kakinada.
4. The District Educational Officer, Kakinada, East Godavari.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondents in not taking the necessary action for filling up the vacant posts in the petitioner school pursuant to 3rd respondent Rc.No.1098-B2/04 dated 17-12-2004 as illegal arbitrary and consequently direct the respondent to permit the petitioner to fill two vacant aided posts in their school.

Counsel for the Petitioner: MR.S.GIRIMOJI RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed for declaring the action of the respondents in not taking necessary action for filling up two vacant aided posts in the petitioner-School pursuant to the orders of the third respondent dated 17.12.2004 as arbitrary, illegal and consequently direct the respondents to permit the petitioner-School to fill up those vacancies.

According to the petitioner, as two posts fell vacant, it made a representation to the third respondent, who in turn issued proceedings on 17.12.2004 permitting the petitioner-School to start recruitment process for filling up the posts after lifting the ban imposed by the Government by memo dated 20.10.2004 without any deviation of Rule. Now, the grievance of the petitioner is that the respondents are not allowing the petitioner-School to fill up those posts.

But, a perusal of the order of the third respondent shows that the petitioner can take steps for filling up the vacant posts only after lifting the ban. It is not the case of the petitioner that the ban was lifted as on date. Therefore, the petitioner cannot take any steps for filling up the vacant posts as of now. Hence, the petitioner is not entitled for any relief at this stage.

The writ petition is accordingly dismissed. No costs.

15.07.2005

VGB

To

1. The Principal Secretary, Government of Andhra Pradesh, School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of The School Education,
3. The Regional Joint Director, Of School Education, Kakinada.
4. The District Educational Officer, Kakinada, East Godavari.
5. 2CCs to the Government Pleader for School Education, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.